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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,631	03/16/2004	Melissa Schneider	35041/400400	2630

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SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE 2400
CHICAGO, IL 60603-5803

EXAMINER

GOODCHILD, WILLIAM J

ART UNIT	PAPER NUMBER
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2445

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/708,631	Applicant(s) SCHNEIDER ET AL.	
	Examiner WILLIAM J. GOODCHILD	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 10-22 and 29-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 10-22 and 29-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 10 objected to because of the following informalities: Claim 10 does not depend on a previous claim, yet the claim language states “as claimed in claim”, the examiner will review claim 10 as if it is dependent on claim 1, it was previously dependent on claim 9. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8, 10-14, 20, 22, 29-30 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farahat et al., (US Publication No. 2005/0144067), (hereinafter Farahat), and further in view of Feldman et al., (US Publication No. 2004/0117654), (hereinafter Feldman).

Regarding claims 1 and 29, Farahat discloses providing a hypertext link to the second web site on the first web site [Farahat, paragraphs 3, 31 and 33];

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transferring an Internet user to an intermediate web site [Farahat, paragraphs 53 and 58] after the Internet user clicks on the hypertext link on the first web site [Farahat, paragraph 40];

gathering information [Farahat, paragraphs 53, 56, 58 and 63] to determine if the first web site is found in the list of first web sites likely to send bad traffic [Farahat, paragraphs 53, 56, 58 and 63];

providing a validation request to the Internet user if the first web site is found in the list of first web sites likely to send bad traffic [Farahat, paragraphs 53, 56, 58 and 63]; and transferring the Internet user to the second web site if the first web site is not in the list of first web sites likely to send bad traffic [Farahat, paragraph 58].

Farahat does not specifically disclose providing a first web site database having a list of first web sites likely to send bad traffic; gathering information at the intermediate web site from the Internet user to determine if the first web site is found in the list of first web sites likely to send bad traffic. However, Feldman in the same field of endeavor discloses maintaining a listing of possible unusual behavior lists of registered users [Feldman, paragraphs 51, 34 and 47]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make a list of possible unusual behavior in order to monitor and filter out bad traffic.

Feldman also discloses the addition of intermediate web pages [Feldman, paragraph 15]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include an intermediate web site in order to provide a challenge to the possible bad traffic prior to allowing the bad traffic on the target web site.

Regarding claim 2, Farahat-Feldman further discloses wherein the first web site is an affiliate web site [Farahat, paragraph 33].

Regarding claim 3, Farahat-Feldman further discloses wherein the second web site is an advertiser web site [Farahat, paragraphs 33-34].

Regarding claim 4, Farahat-Feldman further discloses wherein the step of providing a hypertext link to the second web site includes receiving a keyword search from the Internet user, preparing a result list relevant to the keyword search, and providing at least one hypertext link on the first web site that is relevant to the keyword search [Farahat, paragraphs 33-34].

Regarding claim 5, Farahat-Feldman further discloses wherein the hypertext link includes an advertisement of the advertiser web site [Farahat, paragraphs 33-34].

Regarding claim 6, Farahat-Feldman further discloses wherein the intermediate web site includes a redirect page capable of determining if the validation request is required [Feldman, paragraphs 15 and 26].

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Regarding claim 8, Farahat-Feldman further discloses compensating the first web site for causing the transmission of the second web site to the Internet user [Farahat, paragraphs 33-34].

Regarding claim 10, Farahat-Feldman further discloses wherein the validation request includes providing a survey form with at least one input for the Internet user to input information [Farahat, paragraphs 53 and 58].

Regarding claim 11, Farahat-Feldman further discloses wherein the validation request includes collecting the input information into a survey database [Feldman, paragraphs 58 and 61-67].

Regarding claim 12, Farahat-Feldman further discloses wherein the validation request includes analyzing the input information in the survey database [Farahat, paragraph 58] to determine if the first web site should be listed in the first web site database [Feldman, paragraphs 46-49].

Regarding claim 13, Farahat-Feldman further discloses causing the transmission of the second web site to the Internet user [Farahat, paragraph 58].

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Regarding claim 14, Farahat-Feldman further discloses compensating the first web site for causing the transmission of the second web site to the Internet user [Farahat, paragraphs 33-34].

Regarding claim 20, Farahat-Feldman further discloses determining if the web browser has cookies enabled [Feldman, paragraph 19];

determining a language of the web browser [Feldman, paragraph 48];

determining an amount of time that the Internet user spends on the advertiser web site [Feldman, paragraphs 45-49];

determining a total amount of times that the affiliate web site causes the transmission of the advertiser web site to the Internet user [Feldman, paragraphs 46-49]; and

analyzing at least one of the web browser cookies, the language of the web browser,

the amount of time the Internet user spends on the advertised website and the total

amount of time the affiliate web site causes the transmission of the advertiser web site

to the Internet user to determine if the affiliate web site is likely to send bad traffic

[Feldman, paragraphs 15, 26 and 47-49]; and

adding the affiliate web site to a list of affiliate web sites likely to send bad traffic if the

affiliate is determined as likely to send bad traffic [Farahat, paragraphs 34, 47 and 51],

wherein a subsequent Internet user referred from the affiliate web site is required to

respond to a validation request prior to the transmission of the advertiser web site to the

subsequent Internet user [Feldman, paragraphs 53, 56, 58 and 63].

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Regarding claim 22, Farahat-Feldman further discloses determining if the Internet user receives an incentive from the affiliate web site for clicking on the advertiser link [Farahat, paragraphs 33-34 and 53].

Regarding claim 30, Farahat-Feldman further discloses determining a total amount of times that the affiliate web site causes the transmission of the advertiser web site to the Internet user [Farahat, paragraph 14].

Regarding claim 32, Farahat-Feldman further discloses determining if the Internet user receives an incentive from the affiliate web site for clicking on the advertiser link [Farahat, paragraphs 33-34].

Regarding claim 33, Farahat-Feldman further discloses determining if the web browser has cookies enabled [Feldman, paragraph 19].

Regarding claim 34, Farahat-Feldman further discloses determining a language of the web browser [Feldman, paragraph 48].

4. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farahat-Feldman as applied to claim 1 above, and further in view of Kirsch (US Publication No. 2005/0080856).

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Regarding claim 15, Farahat-Feldman does not specifically disclose determining if a validation request is required includes randomly causing the validation request.

However, Kirsch discloses using a random sample [Kirsch, paragraph 78]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a random sample in order to test the validity of user access.

Regarding claim 16 Farahat-Feldman-Kirsch further discloses the validation request includes providing a survey page with at least one input for the Internet user to input information [Farahat, paragraphs 53 and 58].

Regarding claim 17 Farahat-Feldman-Kirsch further discloses the validation request includes collecting the input information into a survey database [Feldman, paragraph 46].

Regarding claim 18 Farahat-Feldman-Kirsch further discloses causing the transmission of the second web site to the Internet user [Farahat, paragraph 58].

Regarding claim 19 Farahat-Feldman-Kirsch further discloses compensating the first web site for causing the transmission of the second web site to the Internet user [Farahat, paragraphs 33-34].

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5. Claims 21 and 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farahat-Feldman as applied to claim 20 above, and further in view of Bellare et al., (US Publication No. 2002/0069261), (hereinafter Bellare).

Regarding claims 21 and 31, Farahat-Feldman does not specifically disclose determining if the Internet user causes a mouse operably coupled to the Internet user web browser to move. However, Bellare discloses using a mouse for curser control on a display [Bellare, paragraph 27]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to monitor curser movement in order to determine if a user is accessing the web page or if it is automated.

Response to Arguments

6. Applicant's arguments with respect to claims 1-6, 8, 10-22 and 29-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Examiner's Note: Examiner has cited particular paragraphs / columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures

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may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the cited passages as taught by the prior art or relied upon by the examiner.

Should applicant amend the claims of the claimed invention, it is respectfully requested that applicant clearly indicate the portion(s) of applicant's specification that support the amended claim language for ascertaining the metes and bounds of applicant's claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is (571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJG
10/15/2008

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2445